

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	:	
Stephen M. Dershem et al.	)	Examiner: K. Sanders
	:	
Application No.: 10/735,119	)	Group Art Unit: 1796
	:	
Filed: December 11, 2003	)	Confirmation No.: 1929
	:	
For: BENZOXAZINES, THERMOSETTING	)	
RESINS COMPRISED THEREOF, AND :	:	
METHODS FOR USE THEREOF	)	November 6, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Mail Stop: Petitions

**PETITION REQUESTING WITHDRAWAL OF ERRONEOUS NOTICE OF  
ABANDONMENT AND CONDITIONAL PETITION FOR REVIVAL OF APPLICATION  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Sir:

Applicants have received a Notice of Abandonment mailed October 31, 2007, in the above-identified application, a copy of which is attached as Tab 1. The Notice of Abandonment indicates that Applicants failed to respond to an Office Action mailed April 3, 2007.

The Office Action held the claims rejected as allegedly claiming an obvious variant of inventions claimed in other commonly owned patent properties. That was the only matter addressed in the Action. In response to the Action,

Applicants submitted a Terminal Disclaimer -- an entirely proper response to obviate a disclaimer-type double patenting rejection.

As shown by the accompanying documents the Terminal Disclaimer -- disclaiming the terminal portion of patents granted on those patent properties -- was filed electronically in and received by the U.S. Patent and Trademark Office on May 29, 2007. Attached as Tab 2 are copies of the Terminal Disclaimer and an electronic receipt dated May 29, 2007 by the U.S. Patent and Trademark Office.

Applicants therefore believe that the Notice of Abandonment was issued in error.

As such, Applicants respectfully request that the Notice of Abandonment be withdrawn.

In the event that the Commissioner does not agree that the Notice of Abandonment was issued in error, Applicants request that this paper be treated as a Petition to Revive Application Abandoned Unintentionally Under 37 C.F.R. § 1.137(b).

The subject application became abandoned for failure to timely file a proper response to the Action mailed April 3, 2007, despite the filing and receipt of the Terminal Disclaimer.

Applicants formally learned of the abandonment of this application upon receipt on November 2, 2007 of the Notice of

Abandonment issued by the U.S. Patent and Trademark Office on October 31, 2007.

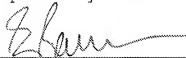
In response to the Action and further to the Petition to Revive Application Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), enclosed is a Request for Reconsideration. As noted above, a Terminal Disclaimer in response to the Action dated April 3, 2007 was filed on May 29, 2007.

The Commissioner is hereby expressly authorized to charge Deposit Account No. 01-1250 in the amount of \$1,540.00 to cover the fee for this Petition under 37 C.F.R. § 1.17(m)(1). Any deficiency in or overpayment of this fee should be charged or credited, respectfully, to that deposit account.

The entire delay in filing the required paper was unintentional.

Applicants' undersigned attorney may be reached by telephone at 860-571-5001 or by facsimile at 860-571-5028. All correspondence should continue to be directed to the address given below.

Respectfully submitted,



---

Steven E. Bauman  
Attorney for Applicants  
Registration No. 33,832

HENKEL CORPORATION  
Legal Department  
1001 Trout Brook Crossing  
Rocky Hill, CT 06067  
Customer No. 31217



## TAB 1

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1459  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,119	12/11/2003	Stephen M. Dershem	QUANT1350-1 (028248-2302)	1929
7590 10/31/2007				
Steven C. Bauman HENKEL CORPORATION 1001 Trout Brook Crossing Legal Department Rocky Hill, CT 06067				
EXAMINER SANDERS, KRJELLION ANTONETTE				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
10/31/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



ENTERED  
DATABASE

**Notice of Abandonment**

Application No.

10/735,119

Examiner

Kriellion A. Sanders

Applicant(s)

DERSHEM ET AL


Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 April 2007.
- (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
- (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☒ A reply was received on 5/29/07 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.
- The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



Kriellion A. Sanders  
Primary Examiner  
Art Unit: 1796

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Interview Summary

Application No.

10/735,119

Applicant(s)

DERSHEM ET AL.

Examiner

Kriellion A. Sanders

Art Unit

1796

All participants (applicant, applicant's representative, PTO personnel):

(1) Kriellion A. Sanders

(3) \_\_\_\_\_

(2) Steve Bauman

(4) \_\_\_\_\_

Date of Interview: 10/25, 26, 29/2007

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: \_\_\_\_\_

Identification of prior art discussed: \_\_\_\_\_

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Participants discussed whether applicant intended to abandon the application or not. It was determined that applicant's response was not complete because it did not request reconsideration or further examination as required under 37 CFR 1.111.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135 (35 U.S.C. 132).

#### 37 CFR § 1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 : Examiner: K. A. Sanders  
 Stephen M. Dershem, et al. )  
 : Group Art Unit: 1714  
 Application No.: 10/735,119 )  
 : Confirmation No.: 1929  
 Filing Date: December 11, 2003 )  
 :  
 For: BENZOXAZINES, THERMOSETTING)  
 RESINS COMPRISED THEREOF, :  
 AND METHODS FOR USE )  
 THEREOF : May 29, 2007

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Madame:

The record owner, Henkel Corporation, of one hundred percent interest in the subject application by virtue of Assignment documents in favor of Loctite Corporation executed on December 14, 2001 and January 30, 2002 by the named inventors, and recorded on March 12, 2002 at reel 012702, frame 0081; a certificate of name change where Loctite Corporation changed its name to Henkel Loctite Corporation on May 15, 2002, which was recorded on April 5, 2004 at reel 015179, frame 0460; and a certificate of merger where Henkel Loctite Corporation was merged into Henkel Corporation, effective July 1, 2004, which was recorded on April 2, 2004 at reel 015179, frame 0405 in the



Assignment Branch of the U.S. Patent and Trademark Office ("the PTO assignment branch") hereby disclaims, except as provided below, the terminal part of the statutory term of any U.S. patent granted on this application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154, 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,743,852. The recorded owner hereby agrees that any U.S. patent so granted on this application shall be enforceable only for and during such period of common ownership thereof.

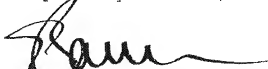
In making this Terminal Disclaimer, the recorded owner does not disclaim the terminal part of any U.S. patent granted on this application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154, 156 and 173 of U.S. Patent No. 6,743,852 as presently shortened by any terminal disclaimer, in the event that such U.S. patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a Court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is reissued, prior to the expiration of the full statutory term thereof as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Patent Office fee of \$110.00 due under 37 C.F.R. § 1.20(d) in connection with the submission of this Terminal Disclaimer may be charged to Deposit Account No. 01-1250. Any deficiency in or overpayment of this fee should be charged or credited, respectively, to that deposit account. For this purpose, a duplicate copy of this Terminal Disclaimer is enclosed.

Applicants' undersigned attorney is an attorney of record herein and is authorized to sign such Terminal Disclaimer on behalf of the owner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bauman', is written over a horizontal line.

Steven C. Bauman  
Attorney for Applicants  
Registration No. 33,832  
Customer No. 31217

## Electronic Acknowledgement Receipt

EFS ID:	1818053
Application Number:	10735119
International Application Number:	
Confirmation Number:	1929
Title of Invention:	Benzoxazines, thermosetting resins comprised thereof, and methods for use thereof
First Named Inventor/Applicant Name:	Stephen M. Dershem
Correspondence Address:	Steven C. Bauman HENKEL CORPORATION 1001 Trout Brook Crossing Legal Department Rocky Hill CT 06067 US (806)571-5028 -
Filer:	Steven C. Bauman/Patricia D. Russo
Filer Authorized By:	Steven C. Bauman
Attorney Docket Number:	QUANT1350-1 (028248-2302)
Receipt Date:	29-MAY-2007
Filing Date:	11-DEC-2003
Time Stamp:	16:24:17
Application Type:	Utility

### Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 130
RAM confirmation Number	9362

**File Listing:**

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer Filed	LDQ-104-TerminalDisclaimer.pdf	92291	no	3

**Warnings:****Information:**

2	Fee Worksheet (PTO-06)	fee-info.pdf	8195	no	2
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**Warnings:****Information:****Total Files Size (in bytes):**

100486

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.